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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,714	03/05/2007	Ruediger Eiermann	2003P01289WOUS	5004

46726 7590 09/20/2010  
BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN, NC 28562

EXAMINER
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RIGGLEMAN, JASON PAUL

ART UNIT	PAPER NUMBER
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1711

NOTIFICATION DATE	DELIVERY MODE
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09/20/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,714	<b>Applicant(s)</b> EIERMANN ET AL.	
	<b>Examiner</b> JASON P. RIGGLEMAN	<b>Art Unit</b> 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant's reply filed on 7/8/2010 is acknowledged. Current pending claims 12-22. Claim 14 is amended.

### ***Response to Arguments***

2. Applicant's arguments, filed 7/8/2010, have been considered. The previous 112, second paragraph, rejection of claim 14 is withdrawn in view of the amended claim. The specification objection is withdrawn in view of the amended specification.
3. While applicant states that they traverse the rejection of claims 12-15 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Deiss et al. (French Patent Publication No. FR2491322), only claim 13 is argued. Claim 12, the independent claim, has no substantive argument; therefore, Examiner must assume that applicant agrees with the rejection. Applicant argues that in claim 13, the limitation where "the condensing surface is in heat-conducting contact with an outer wall of the dishwasher" is not taught. It appears applicant is attempting to read limitations in from the specification by citing the wall of the conveying section being flexible and acting as a condensing surface in order to ensure a direct connection between the condensing surface and outer wall, pg. 9, 2<sup>nd</sup> paragraph. Examiner states that this limitation is not present in claim 13 thus the applicant's argument is not commensurate in scope with the claims. The applicant takes issue with the previous rejection which stated that since the condensing surface is not thermally insulated from the outer wall of the dishwasher -- it is in "heat-conducting contact". The applicant states that such an interpretation is not what one of ordinary skill in the art at the time of the invention would have understood. The applicant then contrasts the term "heat-conducting

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contact” with Fig.2 of Diess et al. in which the condensing section “does not contact an outer wall of the dishwasher”. Examiner states that the term heat-conducting contact is broad and vague. It does not necessitate a direct physical contact, only that heat is conducted from one element to the other in some way. Even an air gap would conduct heat (absent any thermal insulator); therefore, the rejection is maintained. The applicant’s argument that that such an interpretation is not what one of ordinary skill in the art at the time of the invention is opinion and is not supported. The applicant's argument with regards to claim 16 is an assertion that claim 12 is allowable -- of which no argument is found. The rejections are maintained.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-15 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Deiss et al. (French Patent Publication No. FR2491322).

6. Deiss et al. teaches a dishwashing machine (10) having a washing container (11). A drying device is connected in an air circulating manner with the washing container such that air is circulated from the washing container to the drying device and from the drying device to the washing container, Fig. 2. The drying device includes a suction portion (21) for introducing the air from the washing container into the drying device. A blow-out port (29) discharges air from the drying device into the washing container. The conduit (17) between the suction portion and blow-out part constitutes a conveying section. There is a means (fan 27) for effecting movement

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such that the air that is introduced into the drying device via the suction port is conveyed through the conveying section enroute to subsequent discharge of air through the blow-out port (downstream of the condensing section). The conveying section (23) has a condensing section having *at least one* wall and the *at least one* wall operating as a condensing surface on which the moisture in the circulating air is deposited. The conduit forming the condenser is made of plastic; therefore, the condensing surface is formed of "flexible" material which is a "film" of plastic -- see English machine translation. The condensing surface is thermally insulated with respect to the washing container (tank 11) -- see English machine translation. The drying device has a discharge system (25) to permit drainage of the condensed water, Fig. 2. A heating device (28) is downstream of the conveying section and upstream of the blow-out port. A program control to operate the machine *is inherent* in such a design. The suction port is in the "upper area" of the washing container and the blow-out port is in the "lower area" of the washing container, Fig. 2. The conveying section "is in a sidewall" of the dishwasher (between the outer cabinet and washing tank) -- see English machine translation. Since the condensing surface is not thermally insulated from the outer wall of the dishwasher -- it is in "heat-conducting contact".

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deiss et al. (French Patent Publication No. FR2491322), as applied to claim 12, above, in view of Deiss et al. (French Patent Publication No. FR2491319).

10. Deiss et al. (FR2491322) does not teach a “mixing vane” in the interior of the conveying section; however, Deiss et al. (FR2491319) teaches the use of vanes (28) to provide a tortuous path for the air to increase the contact time in the condensing section to increase the precipitation of the water in the humid air, Fig. 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deiss et al. (FR2491322) with Deiss et al. (FR2491319) to create a means to increase the efficiency of the condenser to achieve the expected result.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1711

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